

REMARKS

The Final Office action dated June 13, 2007, is acknowledged. Claims 1 and 3-10 are pending in the instant application. According to the Office action, each of these claims remains rejected. New claims 11-13 have been added. Reconsideration is respectfully requested in light of the following remarks.

Rejection of Claims 1 and 3-10 under 35 U.S.C. 103(a)

Claims 1 and 3-10 have been rejected as being obvious under 35 U.S.C. 103(a) as being unpatentable over Tiozzo (EP 0909721 A1).

The Examiner notes the teaching of Tiozzo, where non-perforated strips that may be extruded or laminated onto a stretch film that is perforated in areas not covered by the strips (Fig. 3, para. [0029] and [0033]) and that the width of the holes may be varied at will (para. [0038]). Thus, the Examiner states that it would be within the ordinary skill of the art to extend the hole size of Tiozzo up to the edge of the strips in view of the teaching to vary the hole size at will. The patent to Tiozzo teaches that the width of the holes can be defined at will and is not dependent upon the degree of stretching (para. [0040]).

On the contrary, in the present invention a well defined hole is formed, which is characterized by a bead having a thickness greater than the thickness of the base, as noted in amended claim 1 (the limitations of original claim 8 are now in claim 1). As explained in the specification, this bead is developed after exposure to heat and allows the film surrounding the hole to be stretched to a higher extent, without a tear developing at the

edge of the hole (para. [0022]). Moreover, the present invention teaches that the strips are intended to end where the edges of the holes are positioned, wherein the strips could alternatively project somewhere beyond the edges of the holes, thus covering part of the holes (para. [0023]).

Even if someone having ordinary skill in the art would extend the hole size of Tiozzo up to the edge of the strip, as the Examiner states, the result would be a completely different film than as defined by the claims of the present invention. In Tiozzo's patent, the hole size may be extended to reach the reinforcing element, whereas in the present invention the hole size has a fixed diameter with a uniform created bead to surround the hole. The bead is very important to protect the hole from uncontrollable tearing. The reinforcing element should extend beyond the edge of the adjacent hole or preferably up to the edge of the adjacent hole or even more preferably up to the edge of the adjacent lip (bead). Thus, a film of unique performance regarding the mechanical properties and especially the tearing resistance is obtained, thus displaying novelty and nonobviousness.

Claims 1 and 3-10 have also been rejected as being obvious under 35 U.S.C. 103(a) as being unpatentable over Heikaus et al. (WO 01/60709 A1).

The Examiner notes the teaching of Heikaus, where a stretch film with strips are laminated to the film and rows of holes are perforated using heat between the strips (Fig. 2b, para. [0016] and [0009] of the translation), where even a tearing of the film between two reinforcement strips will thus cause merely a small hole which cannot grow until extending along the whole width of the film (para. [0006]).

The Examiner finds it obvious to one of ordinary skill in the art to have varied the hole size of Heikaus up to the edge of the strips depending on the degree of ventilation, in order to prevent the holes from tearing beyond the edge of the strips.

First, the above arguments against Tiozzo regarding the extension of the width of the holes at will, hold similarly for Heikaus.

Second, in addition to the amendment to claim 1 to add the bead limitation, claim 4 has also been added which includes the limitation that the claimed strips are even and without wrinkles. Support is found in para. [0026]. Neither reference makes any statement or gives any hint that the strips are even and without wrinkles. Therefore, claim 1 and its dependent claims should be allowed with the new limitation in claim 1.

Heikaus teaches that the reinforcement of the main film can be determined by the number of folds. The film strips are folded preferably twice, and particularly four times, in the longitudinal direction (para. [0007]). This folding of the film strips inherently produces a lot of wrinkles in the film. Heikaus teaches also that if particularly strong and tear resistant stretch films are required, only one row of holes is provided between the reinforcement strips. A further increase of the strength of the stretch film with continued reliable venting can be achieved by providing holes only between each second pair of reinforcement strips so that the regions between the reinforcement strips are alternately perforated and non-perforated (para. [0017]).

On the contrary, the reinforcement of the present invention comes from the strips, which extend as far as the rows of holes adjacent, characterized in that at least one layer of strips are superposed on the base and the superposed strips each are of equal width.

Furthermore the strips are substantially smooth and without wrinkles. In order to be more specific, the reinforcing elements of the present invention are comprised of strips, which are without any wrinkles and extend up to the edge of the adjacent hole. The strips attached to the base are to particular advantage in that they abut on the base, in essence evenly, but at least without any wrinkles and without any curls (para. [0012]). This results in a large-area contact and a close fit between the base and the strips so that the stresses developing in the film material when it is stretched can even be transferred beyond the boundary surfaces in the form of shear stresses (Id.). As a result, tears are reliably prevented from developing at the edges of the holes 2, thus permitting to achieve higher stretching rates (para. [0028]). If they comprised wrinkles or curls, the strips would not be able to absorb stresses from the base film to a relevant extent because, on the contrary, the wrinkles or crimps would be the first to be leveled during stretching of the base film (para. [0012]).

Moreover, it is of great importance to consider that each hole is enclosed by a bead having a thickness greater than the thickness of the base, and that the strips are intended to end where the edges of the holes are positioned, wherein it is of no harm if the strips project a little beyond the edges of the holes, thus covering a small part of the holes (para. [0023]).

Consequently, even if a person of ordinary skill in the art varies the hole size of Heikaus up to the edge of the strips depending on the degree of ventilation, in order to prevent the holes from tearing beyond the edge of the strips will not get the performance of the film, which has the strips, without wrinkles, extending beyond the edge of the

adjacent hole or preferably up to the edge of the adjacent hole or even more preferably up to the edge of the adjacent lip. The cross-section area at the edge of the hole of the present invention increases significantly (due to the thickness of the bead and the strip) yielding increased tearing resistance, demonstrating novelty and nonobviousness.

New claims 11-13 have been added to the present application. New claim 11 recites that the width of each row of holes is equal to the diameter of said holes. This limitation is clearly supported by Figs. 1 and 2 of the present application. This limitation is neither taught nor suggested, either explicitly or inherently, by either Tiozzo or Heikaus. Both Tiozzo and Heikaus teach more than one row of holes between the reinforcement strips (See Fig. 2 of Tiozzo; See Fig. 1 of Heikaus). Furthermore, para. [0031] of Heikaus explicitly recites two rows of holes 16, 18 between the reinforcement strips 12. Thus, since two rows of holes exist in the cited references, the width of each row of holes is not equal to the diameter of the holes. Inherently, the width of the rows of holes must be greater than the diameter of the holes. Therefore, both Tiozzo and Heikaus teach away from the present invention as recited in Claim 11.

New claim 12 recites that the stretch film includes a single row of holes located between said at least one layer of strips, wherein said holes in each of said rows are aligned linearly. As stated above, both Tiozzo and Heikaus teach two rows of holes between the reinforcement strips, therefore teaching away from claim 12. Thus, neither Tiozzo nor Heikaus explicitly or inherently teaches the present invention as enumerated in new claim 12.

If, as the Examiner suggests, the holes of Tiozzo or Heikaus are extended up to the edge of the strips in view of the teaching to vary the hole size at will or for ventilation purposes, the diameter of the holes would still be less than the width of the rows of holes because Tiozzo and Heikaus teach two rows of holes between each reinforced strip as noted above. Therefore, new claims 11 and 12 are not obvious in view of the cited references.

Amended claim 1 refers to a novel stretch film where the width of the reinforcement strips reach up to the row of holes adjacent to said strips, where the strips are even but at least without any wrinkles, where each hole is enclosed by a bead having a thickness greater than the thickness of the base. As it has been argued, the subject matter of the current invention as a whole is not obvious to a person of ordinary skill in the art in connection to the prior art of the stretch films suggested by Tiozzo and Heikaus.

New claim 13 has also been added. Claim 13 is similar to claim 1 in its present form, but includes language both reciting the beads as added to claim 1, and is more specific regarding the strips on the base. It is respectfully submitted that claim 13 is allowable.

Conclusion

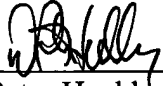
For the foregoing reasons and absent the material requested above, it is believed that the present application, with the claims in their amended form, is in condition for allowance, and such action is earnestly solicited. The Examiner is invited to call the undersigned if there

are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

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